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Art Unit: 1644

FAX: (703) 872-9306

FROM: Sheela Mohan-Peterson

DATE: October 14, 2004RE: Docket No.: DX0936KB
USSN: 10/086,972
Filed: 03/01/2002
Title: NOVEL USES OF MAMMALIAN OX2 PROTEIN AND RELATED
REAGENTS**Any difficulty with this facsimile, please call: Melanie Lyons at (650) 496-1183**

Documents attached:

1.	Transmittal	1 page
2.	Response to Restriction Requirement	7 pages

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Melanie Lyons

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PTO/SB/21 (03-03)

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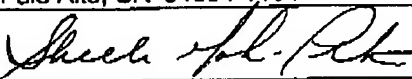
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/086,972	
	Filing Date	03/01/2002	
	First Named Inventor	Robert M. HOEK	
	Art Unit	1644	
	Examiner Name	I. Ouspenski	
Total Number of Pages in This Submission	9	Attorney Docket Number	DX0936KB

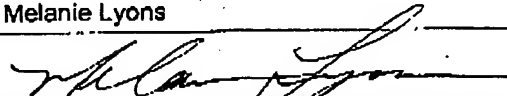
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Remarks: 1. Response to Restriction Requirement (7 pages) 2. Fax Transmittal Sheet (1 page)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	
Date	14-Oct-2004

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Attorney Docket: DX0936KB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:

Robert M. HOEK, *et al.*

Application No.: 10/086,972

Filed: March 1, 2002

For: NOVEL USES OF MAMMALIAN
OX2 PROTEIN AND RELATED
REAGENTS

Examiner: I. Ouspenski

Art Unit: 1644

Conf. No.: 1945

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by:


MELANIE LYONSCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Restriction Requirement, dated September 17, 2004.

I. Restriction Requirement

The Examiner restricted the application into 26 separate inventions:

- I. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has an inflammatory condition, classified in Class 514, subclass 21.
- II. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has an infective condition, classified in Class 514, subclass 21.
- III. Claims 1, 4 - 8, 10, and 16 - 18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a leukoproliferative condition, classified in Class 514, subclass 21.
- IV. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a neurodegenerative condition, classified in Class 514, subclass 21.

- V. Claims 1, 4-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a posttraumatic condition, classified in Class 514, subclass 21.
- VI. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has autoimmunity, classified in Class 514, subclass 21.
- VII. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has atherosclerosis, classified in Class 514, subclass 21.
- VIII. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has delayed hypersensitivities, classified in Class 514, subclass 21.
- IX. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has skin grafting or a transplant, classified in Class 514, subclass 21.
- X. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has spinal injury, classified in Class 514, subclass 21.
- XI. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has stroke, classified in Class 514, subclass 21.
- XII. Claims 1, 5-10, and 16-18, drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has ischemia, classified in Class 514, subclass 21.
- XIII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has an inflammatory condition, classified in Class 424, subclass 130.1.
- XIV. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has an infective condition, classified in Class 424, subclass 130.1.
- XV. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has a leukoproliferative condition, classified in Class 424, subclass 130.1.
- XVI. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has a neurodegenerative condition, classified in Class 424, subclass 130.1.

- XVII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has a post-traumatic condition, classified in Class 424, subclass 130.1.
- XVIII. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has wound healing, classified in Class 424, subclass 130.1.
- XIX. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is an antibody to OX2, and where the animal has clot formation, classified in Class 424, subclass 130.1.
- XX. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutin of OX2, and where the animal has an inflammatory condition, classified in Class 424, subclass 9.322.
- XXI. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutin of OX2, and where the animal has an infective condition, classified in Class 424, subclass 9.322.
- XXII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutin of OX2, and where the animal has a leukoproliferative condition, classified in Class 424, subclass 9.322.
- XXIII. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutin of OX2, and where the animal has a neurodegenerative condition, classified in Class 424, subclass 9.322.
- XXIV. Claims 1-5, 11-13, 15-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutin of OX2, and where the animal has a post-traumatic condition, classified in Class 424, subclass 9.322.
- XXV. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutin of OX2, and where the animal has wound healing, classified in Class 424, subclass 9.322.
- XXVI. Claims 1-3, 5, 11-16, and 19-20, drawn to a method of enhancing the function of leukocytes in an animal, using an antagonist of OX2, where the antagonist is a mutin of OX2, and where the animal has clot formation, classified in Class 424, subclass 9.322.

II. Species Election Requirements

The Examiner further required several elections of species dependent upon the Group elected by Applicants.

A. If one of Groups I-XXVI is chosen, an election of one of the following species is required: neural tissue; lymphoid tissue; myeloid tissue; pancreas; gastrointestinal tissue; thyroid tissue; muscle tissue; skin; or collagenous tissue.

B. If one of Groups I-XII is chosen, an election of one of the following species is required: tissue specific autoimmunity; rheumatoid arthritis; multiple sclerosis; vasculitis.

C. If one of Groups I-XII is chosen, an election of one of the following species is required: an anti-inflammatory cytokine agonist; an anti-inflammatory cytokine antagonist; an analgesic; an anti-inflammatory agent; or a steroid.

D. If one of Groups XIII-XXVI is chosen, an election of one of the following species is required: an angiogenic factor; a growth factor (FGF); a growth factor (PDGF); an antibiotic; or a clotting factor.

III. Restriction and Species Election

Applicants provisionally elect Group IV, Claims 1, 4-10, and 16-18 whose claims are drawn to a method of inhibiting the function of leukocytes in an animal, using an agonist of OX2, where the animal has a neurodegenerative condition, classified in class 514, subclass 21, for example, as discussed in the Office Action.

The Applicants further elect the following species as required by the Examiner:

- A. Neural tissue;
- B. Multiple sclerosis; and
- C. A steroid.